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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,286	12/21/2000	Martin Dirk Skirha	DP-301966	9305

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EXAMINER	
LEE, EDMUND H	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,286	SKIRHA ET AL.	
	Examiner	Art Unit	
	EDMUND H. LEE	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12,13,15-18,23-32 and 34-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12,13,15-18,23-32 and 34-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2/10/04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 35-38 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 35-38 are based upon canceled claim 33.

2. Claims 35-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 35-38 are indefinite because they are based on canceled claim 33. The metes and bounds of the claims are unascertainable.

Clarification and/or correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12,13,15,16,17,18,23,24,26,27,28,29,30,31,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-126222 in view of JP 2000-272459. In regard to claim 12, JP 4-126222 teaches the basic claimed process including a method of forming a hidden, integral passenger air bag door in an instrument panel cover (abstract; figs 1-6); forming the panel cover having an inner surface and an opposing outer surface defining a single uniform layer, using a male vacuum forming tool

exposing the outer surface (abstract; figs 1-6); and forming a deployment region in the inner surface of the instrument panel cover by contacting only the inner surface with at least one scoring device after initiation of the formation of the panel cover creating at least one score therein at an elevated temperature from the female vacuum mold when the scoring device contacts the panel cover but prior to cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface so that deployment of an air bag cushion cause the deployment region to open along the at least one score for deployment of the air bag cushion (abstract; figs 1-6). JP 4-126222, however, does not teach using a female vacuum mold exposing the inner surface; and elevating a temperature of the female vacuum mold high enough to form the outer surface against the female vacuum mold. JP 2000-272459 teaches a method of vacuum forming an air bag cover (abstract; figs 1-3); using a female vacuum mold exposing the inner surface (abstract; figs 1-3); and elevating a temperature of the female vacuum mold high enough to form the outer surface against the female vacuum mold (abstract; figs 1-3). JP 4-126222 and JP 2000-272459 are combinable because they are analogous with respect to vacuum forming an airbag. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a heated female mold as taught by JP 2000-272459 in the process of JP 4-126222 instead of the male mold of JP 4-126222 since male and female molds are substitutable alternatives. In regard to claims 15,16, 23,24,26, and 33, such are taught by JP 4-126222 as evident by the abstract and figs 1-6. In regards to claims 13, 17, 18, 27,28, 29, 30, 31, and 32, JP 4-126222 does not teach the limitations of claim 13; using a at

least one scoring member disposed upon a cylinder which is actuated by an adjustment system; using an adjustment system that is pneumatic and is controlled by an operator; elevating the temperature of the panel cover to a temperature higher than the temperature of the formed panel cover and the panel is at or near the elevated temperature when the scoring device contacts the panel cover; advancing a contact edge of the at least one scoring device into the inner surface of the panel cover a predetermined distance toward the outer surface, wherein the panel cover is disposed in a mold device; controlling the predetermined distance by limiting the advancement of the at least one scoring device into the panel cover; and using a scoring blade which forms a part of the a movable cylinder, the blade being extendable and retractable relative to the cylinder, the cylinder and blade being oriented above the body. JP 2000-272459 teaches molding an airbag door in a panel cover by forming a score on the inner surface of the panel cover with a scoring member disposed on a cylinder which is actuated by a pneumatic adjustment system (figs 1-7); advancing a contact edge of the scoring device into the panel cover a predetermined distance toward the outer surface (figs 1-7); controlling the predetermined distance of the scoring device into the panel cover (figs 1-7); and using a scoring blade that forms a part of a movable cylinder (figs 1-7). JP 4-126222 and JP 2000-272459 are combinable because they are analogous with respect to forming scores on an inner surface of a panel cover in order to form an air bag door. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the scoring device of JP 4-126222 with the above teachings of JP 2000-272459 in order to limit exposure of the scoring blade to

unintentional wear and tear by enabling the blade to be retracted while still scoring only the inner surface. In regard to using an adjustment system that is controlled by an operator, it is well-known in the molding art to use an operator as a controller. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an operator to control the adjustment system of JP 4-126222 (modified) in order to reduce error and molding complexity. In regard to elevating the temperature of the panel cover to a temperature higher than the temperature of the formed panel cover and the panel is at or near the elevated temperature when the scoring device contacts the panel cover, it is well-known in the molding art to score while the preform is heated in order to facilitate the scoring. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to elevate the temperature of the panel cover to the claimed temperature in order to achieve the above result. In regard to controlling the predetermined distance by limiting the advancement of the at least one scoring device into the panel cover, it is well-known in the molding art to limit an extension or retraction of a movable part by stoppers or other limiting means. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to limit the advancement of the scoring device of JP 4-126222 (modified) in order to ensure the blade of JP 4-126222 does not contact the outer surface of the panel of JP 4-126222. In regard to using a movable cylinder, the blade being extendable and retractable relative to the cylinder, wherein the cylinder and blade being oriented above the body. Such limitations are a mere obvious matter of choice dependent on mold equipment availability and of little patentable consequence to the claimed process since

it is not a manipulative feature or step of the claimed process. Further, such mold limitations are well-known in the molding art in order for precise movement and better control. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the above mold limitations into the scoring device of JP 4-126222 (modified) in order to achieve the above results.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-126222.The above teachings of JP 4-126222 are incorporated hereinafter. JP 4-126222 does not teach using a panel cover formed from the claimed materials. In regard to using a panel cover formed from the claimed materials, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed materials are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the claimed materials as the material of the panel cover in order to form a cover having durability and good aesthetics and feel.

6. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-126222 in view of JP 2000-272459. In regard to claim 34, JP 4-126222 teaches the basic claimed process including a method of forming a hidden, integral passenger air bag door in a portion of the an instrument panel cover (abstract; figs 1-6); applying a quantity of thermoplastic material to a male vacuum mold exposing an outer surface of

the instrument panel (abstract; figs 1-6); vacuum forming the panel cover having an exposed outer surface and an inner surface defining a single uniform layer (abstract; figs 1-6); and forming a deployment region in the inner surface of the instrument panel cover by contacting only the inner surface with at least one scoring device after initiation of the formation of the panel cover creating at least one score therein at an elevated temperature from the female vacuum mold when the scoring device contacts the panel cover but prior to cooling thereof, the at least one score defining the deployment region and providing a weakened tear pattern in the inner surface so that deployment of an air bag cushion cause the deployment region to open along the at least one score for deployment of the air bag cushion (abstract; figs 1-6). JP 4-126222, however, does not teach using a female vacuum mold exposing the inner surface (abstract; figs 1-3); and elevating a temperature of the female vacuum mold high enough to form the outer surface against the female vacuum mold. JP 2000-272459 teaches a method of vacuum forming an air bag cover (abstract; figs 1-3); using a female vacuum mold exposing the inner surface (abstract; figs 1-3); and elevating a temperature of the female vacuum mold high enough to form the outer surface against the female vacuum mold (abstract; figs 1-3). JP 4-126222 and JP 2000-272459 are combinable because they are analogous with respect to vacuum forming an airbag. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a heated female mold as taught by JP 2000-272459 in the process of JP 4-126222 instead of the male mold of JP 4-126222 since male and female molds are substitutable alternatives.

7. Applicant's arguments with respect to claims 12-18 and 23-38 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL

6/28/04